

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ALLSTATE INSURANCE COMPANY,)
)
Plaintiff,)
) No. 4:22-cv-0114-DGK
v.)
)
ALLEN LEE, et al.,)
)
Defendants.)

ORDER DENYING MOTION TO COMPEL AND/OR FOR SANCTIONS

This declaratory judgment action arises from an accident in which a nine-year-old girl fell from a golf cart owned by Defendants Allen and Heather Lee (“the Lees”), while the cart was being operated by pro se Defendant Shannon Peck (“Peck”). Plaintiff Allstate Insurance Company (“Allstate”) is suing for a declaration that there is no coverage for the girl’s injuries under the homeowner’s policy it sold to the Lees.

Now before the Court is Allstate’s Motion to Compel and/or for Sanctions. ECF No. 41. Allstate contends that it served Peck on September 23, 2022, with interrogatories and a request for production but Peck never responded, and that it served Peck with a deposition notice informing her that she would be deposed on April 17, 2023, but she failed to appear for her deposition. Allstate requests the Court “enter an order compelling Defendant Shannon Peck to respond to Defendant’s written discovery within ten (10) days” and also sanction her for failing to appear at her deposition. Mot. at 2.

The Court notes its March 6, 2023, Order granting Allstate’s request to extend discovery and the deadline to file dispositive motions states that “[d]iscovery shall be completed on or before April 25, 2023.” Am. Scheduling Order at 1 (emphasis added), ECF No. 37. The Scheduling and

Trial Order also states, “[a]ll discovery motions shall be filed two weeks prior to the final discovery deadline.” Scheduling and Trial Order at 2, ECF No. 25. But Allstate did not file the motion until April 29, 2023, eighteen days after the deadline had passed.

Because the deadline to file such a motion has passed, the motion is DENIED.¹

IT IS SO ORDERED.

Date: June 2, 2023

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT

¹ This is not the only problem with the motion. The Court notes the record contains a certificate of service (ECF No. 30) certifying that Plaintiff served its First Request for Production of Documents and First Interrogatories on all Defendants, including Peck, on September 26, 2022, but the record contains no certification that Plaintiff actually served Peck with a deposition notice.